

**BOROUGH OF WIND GAP
29 MECHANIC STREET
WIND GAP, PA 18091
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EXECUTIVE SESSION

Council convened prior to the meeting for an Executive Session at 6:30 p.m.

The Council meeting of the Borough of Wind Gap on Monday, December 6, 2004, was called to order at 7:30 p.m. by Council President Kerry Gassler, at which time he reminded those present that the meeting was being recorded. In attendance were Councilpersons: Winton Male. Jr., Karen Skorochood, Mitchell D. Mogilski, Sr., George Hinton, Jr., and Scott Parsons. Also in attendance were Mayor Kenneth George, Borough Solicitor, Ronold Karasek, Borough Engineer, Ronald Madison and Secretary/Treasurer Louise Firestone. Councilman Tony Curcio was absent.

Kerry reported that Council was in Executive Session regarding the Quarry property and Roberti Condemnation. At this time, there is no further action to be taken.

APPROVAL OF MINUTES

On motion by Karen Skorochood to approve the minutes of November 16, 2004 and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

APPROVAL OF EXPENDITURES

On motion by Mitchell D. Mogilski, Sr. to approve the expenses for the month of November in the amount of \$26,230.15 and seconded by Scott Parsons. Roll call vote taken. Motion carried unanimously.

Public Comment

1. Mark Stametz, 136 East West Street, Wind Gap. Mark stated that there is damage being done to the Park wetlands by the brush hog. Kerry explained that the wetlands could be cut as long as the vegetation is cut and the root system is not disturbed. Mark said that he contacted the DEP to investigate. He added that last Saturday, the water was backing up behind the road and the ball field due to the wetlands being cut. Kerry and George to look at the wetlands tomorrow. He explained that it was the intention of the Park Board to have the land cut back so that the Police would be able to see further back.

Solicitor's Report

Ronold Karasek reported that Council discussed the legal litigations pending. He has had an opportunity to catch up on outstanding litigation. He hopes to tie up any loose ends in January with regard to questions asked by the Borough secretaries. The draft of the developer's agreement for CVS has been completed, but he would like Ron Madison to review the agreement. Ron Madison stated that he was waiting for a cost and improvements estimate from CVS prior to reviewing the agreement. Past due fees have not been paid by the developer and the escrow account has not been set up as previously agreed upon. Winton stated that the letter sent by Attorney Karasek might not spell out that Council expected the fees and the escrow paid prior to any further work being done on this plan.

On motion by Scott Parsons to have the Borough Solicitor call the developer's attorney, Jim Preston to request payment prior to any further work done on this plan by the Borough's professionals and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

Engineer's Report

Ron Madison reported that a pre-construction meeting was held with the contractor for the Third Street traffic light. The contractor, Lenni Electric, and a representative from PennDOT attended the meeting. They reviewed the proposed schedule, which has the project starting on Monday, December 13, 2004, and having most of the work done prior to the holidays. Ron suggested placing a notice in the paper to notify the public of the pending work at the intersection of South Broadway and Third Street. George volunteered to distribute a flyer to the neighborhood residents and a notice to be posted in the businesses surrounding Third Street. Discussion regarding the need for an ordinance to establish the one-way streets related to the project. Kerry stated that the street committee would meet to review other one-way streets in the Borough so that an ordinance would include all of the streets.

Winton asked Ron if he would review the other traffic lights in the Borough for insurance purposes. The Borough received a Statement of Values from their insurance company and some of the traffic lights appear to be undervalued. Ron replied that Jim Milot from Hanover would be in town to observe the traffic light work and could look at the other lights in the Borough. The insurance needs to cover today's replacement cost.

George and Ron have reviewed the project at the intersection of Woodward and Lehigh Avenue and redefined the scope of the project to include curb and paving up to Liberty. There will be additional surveying required.

The Third Street project plans need to be finalized so that the project can be advertised January 5 and January 13 with a pre-bid meeting on January 25, bids due on February 2 with the recommendation of the engineer for the February 7, 2005 Council meeting. Weather permitting the project could be concluded March or early April and then PennDOT can proceed with their overlay project.

NEW BUSINESS

1. Brian Perin Minor Subdivision Conditional Approval. Ron Madison explained that the Wind Gap Planning Commission voted to recommend that Borough Council approve this plan

conditioned upon the approval by the Plainfield Township Board of Supervisors. This decision was based on the fact that very little land is located within the Borough and the subdivision would not appear to have any impact on the Borough. The property will be sub-divided with the majority being purchased by Waste Management and being dedicated to the Pen Argyl Area School District.

On motion by Karen Skorochood to grant conditional subdivision plan approval based on Hanover Engineer's letter dated August 6, 2004 and seconded by Mitchell D. Mogilski, Sr. Roll call vote taken. Motion carried unanimously.

2. Approval County Bond Issue Invoices. **On motion** by Scott Parsons to approve invoices related to the County Bond Issue in the amount of \$21,348.02 and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

3. Part Tractor Purchase Approval. Three quotes were received for a tractor for the Borough park. Hilltop Sales and Supply \$6,500.88
Krock \$6,549.20
Commercial Turf Tanks \$7,195.00

On motion by Mitchell D. Mogilski, Sr. to purchase the tractor through Hilltop Sales and Supply at a cost of \$6,500.88 and seconded by Karen Skorochood. Roll call vote taken. Motion carried unanimously.

4. Approval to Advertise for Full-time Street Worker. Discussion the need to advertise the position for a full-time worker budgeted for in the 2005 budget. Attorney Karasek stated that there is no set time or duration to advertise for an employee, but advised that it would be best to advertise the position.

On motion by George Hinton to advertise a full-time street worker position in the Express Times newspaper for one day and seconded by Scott Parsons. Roll call vote taken. In favor: K. Gassler, G. Hinton, M. Mogilski, S. Parsons, K. Skorochood. Opposed: W. Male. Motion passed with a vote of 5-1.

5. Personnel.

On motion by Scott Parsons to give Millie Del Negro a \$0.40 an hour increase and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

On motion by Karen Skorochood to give Louise Firestone a \$1.00 an hour increase and seconded by George Hinton. Roll call vote taken. In favor: W. Male, S. Parsons, K. Skorochood, K. Gassler, G. Hinton. Opposed: M. Mogilski. Motion carried with a vote of 5-1.

Increases to be effective on the anniversary of each employee.

6. Vacant Committee Seats.

On motion by Scott Parsons to advertise all open positions, including Park Board, Wind Gap Municipal Authority, Planning Commission, Zoning Hearing Board and seconded by Winton Male. Roll call vote taken. Motion carried unanimously.

7. Borough's Professional Services

On motion by George Hinton to advertise for all the Borough's professional services, including solicitors and engineer and seconded by Karen Skorochoch. Roll call vote taken. Motion carried unanimously.

8. Genoga and Delaware property. George stated that he was hoping to have the Zoning Officer present at the meeting tonight, but unfortunately he was unable to attend. He will be here for the December 21, 2004 workshop meeting. He explained that a house was built on Delaware without the street being extended and now another landowner wants to subdivide property further in on what would be Delaware, but there is no road. The Borough cannot afford to build the road. Council needs to discuss this situation. Another questionable area in the Borough is property on Alpha Road, Peat Street. The property owner wants to subdivide and sell that property. There is no real access to the property being sold. Ron Madison stated that several years ago Mr. Albanese came before the Planning Commission in hopes of subdividing property and was told that he would be responsible for some road improvements to Pear and Utica. After some thought, Mr. Albanese abandoned the idea because there would not be enough revenue recognized from the sale to cover all the improvements. George feels that Council should be aware of these issues and if necessary give the Zoning Officer some direction. He asked all of Council to visit these two areas prior to the workshop so that it can be discussed.

9. Insurance. Winton asked George if anything has been done with the Fire Company wet system. George replied that he has obtained one bid on the dry to wet system. He asked Dave Albanese to look at the emergency lighting.

OLD BUSINESS

1. 2005 Budget Approval. Council reviewed information regarding House Bill 197. The Emergency and Municipal Services Tax (EMST) was created to amend Act 511 of 1965 "Local Tax Enabling Act" affecting several boroughs. The authorized amount to levy would range from \$10 to \$52. The EMS tax replaces the occupational privilege tax. The proposed 2005 budget was based on a mill increase of 2.5 mills, but an increase in the new EMST from \$10 to \$52 could possibly eliminate 1 mill from the budget. Council discussed the need to keep expenses at a minimum and yet continue to service the community. Council acknowledged that some residents of the Borough would be burdened with a 2.5 mill increase.

On motion by George Hinton to include a 1.5 mill increase and the EMST tax at a rate of \$52 and seconded by Karen Skorochoch. Roll call vote taken. Motion carried unanimously.

On motion by George Hinton to adopt the 2005 Budget and seconded by Scott Parsons. Roll call vote taken. In favor: K. Gassler, G. Hinton, W. Male, S. Parsons, K. Skorochoch. Opposed: M. Mogilski. Motion carried with a vote of 5-1.

Attorney Karasek to research and draft any necessary ordinance related to the new tax.

On motion by Scott Parsons to adjourn the meeting of December 6, 2004 and seconded by Mitchell D. Mogilski, Sr. The meeting of adjourned at 8:32 p.m.

Louise Firestone, Secretary / Treasurer